United Nations S/PV.3546

Security Council

Fiftieth Year

Provisional

3546th Meeting
Wednesday, 21 June 1995, 10 a.m.
New York

President:	Mr. Graf zu Rantzau	(Germany)
Members:	Argentina	Mr. Cardenas
	Botswana	Mr. Legwaila
	China	Mr. Qin Huasun
	Czech Republic	Mr. Kovanda
	France	Mr. Mérimée
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wisnumurti
	Italy	Mr. Fulci
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Lavrov
	Rwanda	Mr. Bakuramutsa
	United Kingdom of Great Britain and Northern Ireland	Mr. Plumbly
	United States of America	Mr. Gnehm

Agenda

Election of a member of the International Court of Justice
(S/1995/448, S/1995/449, S/1995/450 and S/1995/490 and Add.1)

95-85561 (E)

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The meeting was called to order at 10.40 a.m.

Adoption of the agenda

The agenda was adopted.

Election of a member of the International Court of Justice (S/1995/448, S/1995/449, S/1995/450 and S/1995/490 and Add.1)

The President: I should like to recall that at its 3507th meeting, on 9 March 1995, the Security Council adopted resolution 979 (1995), in which it decided that the election to fill the vacancy in the International Court of Justice should take place on 21 June 1995 at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session.

This morning the Security Council and the General Assembly will proceed independently with the election, in accordance with the relevant provisions of the Statute of the Court, for the purpose of filling this vacancy. The list of candidates nominated by national groups and received by the Secretary-General as of 31 May 1995, the deadline for receipt of nominations, is contained in document S/1995/449. Documents S/1995/490 and Add.1 contain the nominations by national groups received by the Secretary-General after 31 May 1995. Document S/1995/450 contains the curricula vitae of the nominated candidates.

The Security Council also has before it a memorandum by the Secretary-General, contained in document S/1995/448, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

Article 15 of the Statute of the Court provides that

> "A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term."

Accordingly, the member elected to fill the remainder of the term left vacant by the death of Judge Roberto Ago will serve until 5 February 1997.

The voting will be by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the names of the candidates. No withdrawal will be accepted once the ballot papers have been distributed. However, it would be possible to withdraw between ballots. Members of the Council will be requested to place an "X" next to the name of the candidate for whom they wish to vote. Votes may be cast only for a candidate whose name appears on the ballot paper, and each elector may vote for only one candidate, otherwise the ballot will be considered invalid. When a candidate has obtained the required majority, I shall notify the President of the General Assembly of the name of that candidate, and I shall request the Council to remain in session pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

I shall now draw lots to select two delegations to serve as tellers.

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The President: Oman and the Russian Federation have been drawn. I therefore request each of them to appoint one member of their respective delegations to serve as teller.

At the invitation of the President, Mr. Al-Harthy (Oman) and Mr. Karev (Russian Federation) acted as tellers.

The President: May I take it that the Council is now ready to proceed with the election to fill the vacancy caused by the death of Judge Roberto Ago?

It is so decided.

The President: I would ask the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the box next to the name of the candidate for whom they wish to vote.

* * *

The President: I take it that all the members of the Council have now voted and I request the Conference Officer to collect the ballot papers.

All the ballot papers have been collected. I should like to remind the Council that, as we agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: I have now been informed that the ballot papers have been collected in the General Assembly. The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots. As agreed in our consultations, there will be two independent countings of the ballots, one by each teller.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Luigi Ferrari Bravo (Italy)	6
Mr. Pieter Hendrik Kooijmans (Netherlands)	5
Mr. Mehmet Güney (Turkey)	2
Mr. Santiago Torres Bernárdez (Spain)	2

The President: As no candidate has received the absolute majority, the Security Council will now proceed to a second ballot, in accordance with rule 61 of the Council's provisional rules of procedure.

I would ask the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" against the name of the candidate for whom they wish to vote.

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The President: I take it that all the members of the Council have now voted, and I request the Conference Officer to collect the ballot papers.

All the ballot papers have been collected. The tellers will now count the ballots.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Pieter Hendrik Kooijmans (Netherlands)	7
Mr. Luigi Ferrari Bravo (Italy)	6
Mr. Santiago Torres Bernárdez (Spain)	2
Mr. Mehmet Güney (Turkey)	0

The President: As no candidate obtained the required majority, the Council will proceed to a third vote, in accordance with rule 61 of the provisional rules of procedure.

I shall ask the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" against the name of the candidate for whom they wish to vote.

* * *

The President: I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

All the ballot papers have been collected. The tellers will now count the ballots.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Luigi Ferrari Bravo (Italy)	7
Mr. Pieter Hendrik Kooijmans (Netherlands)	6
Mr. Santiago Torres Bernárdez (Spain)	2

The President: As no candidate has received the absolute majority, the Security Council will now proceed to a fourth ballot, in accordance with rule 61 of the Council's provisional rules of procedure.

I would ask the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" against the name of the candidate for whom they wish to vote.

* * *

The President: I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

All the ballot papers have been collected. The tellers will now count the ballots.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Luigi Ferrari Bravo (Italy)	8
Mr. Pieter Hendrik Kooijmans (Netherlands)	5
Mr. Santiago Torres Bernárdez (Spain)	2

The President: Mr. Ferrari Bravo has accordingly received the required majority of votes in the Security Council.

I shall communicate the result of the vote to the President of the General Assembly in writing. I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the results of the voting in the Assembly.

* * *

The President: I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

> "I have the honour to inform you that at the 104th plenary meeting of the General Assembly, held today for the purpose of electing one member of the International Court of Justice, the following candidate obtained an absolute majority of the votes in the General Assembly: Mr. Luigi Ferrari Bravo."

As the Security Council and the General Assembly have agreed on the same candidate, the distinguished jurist Mr. Luigi Ferrari Bravo of Italy has been elected a member of the International Court of Justice for a term of office expiring on 5 February 1997.

I should like to congratulate him and to wish him every success in the high office to which he has been elected. I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 12.55 p.m.